

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

100-443887-100

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Spabo Ice Cream Corp., d/b/a Mister Softee
and Mister Softee, Inc.

SUMMONS IN A CIVIL ACTION

V.

Domingo Ice Cream Corp., et al.

CASE NUMBER:

08 CV 6138

JUDGE SCHEINDLIN

TO: (Name and address of Defendant)

M PETE SOFT ICE CREAM CORP
43-07 42nd Street, #2M
Sunnyside, NY 11104

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael Einbinder, Esquire
Einbinder & Dunn, LLP
104 W. 40th Street
New York, New York 10018

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUL 03 2008

CLERK

Marcos Quintero

DATE

(By) DEPUTY CLERK